APPEAL NO. 040346
FILED MARCH 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on January 26, 2004. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not include an injury to her low back, and that the claimant had disability beginning on _____, and continuing through January 6, 2003. The claimant appealed the hearing officer's determinations on sufficiency of the evidence grounds. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The claimant, a custodian, testified that she slipped and fell while stripping and buffing the floor on _____. The claimant contends that she injured her low back, left hip, and left knee when she fell to the floor. It is undisputed that the self-insured has accepted a strain/sprain to the left hip and left knee as a compensable injury. The self-insured contends that the medical evidence does not support the claimant's contention that her compensable injury extends to include her low back. The claimant testified that due to her injuries she has been unable to perform her previous job. A Supplemental Report of Injury (TWCC-6) dated January 7, 2003, reflects that the claimant was released to full duty as of that date.

Conflicting evidence was presented on these issues. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer commented that the claimant had not shown by a preponderance of the credible evidence that she sustained damage or harm to her low back at the time of, or as a direct and natural result of, the fall on _____, and that the claimant had been unable to obtain or retain employment at wages equivalent to her preinjury wages (had disability) from _____, and continuing through January 6, 2003 (the dates that the claimant was initially taken off work). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust,

and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

DP
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

_____
Edward Vilano
Appeals Judge